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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The Application of:  
JEAN-LUC DUBOIS : L.E. Smith  
Serial No.: 09/202,217 :  
Filed: December 9, 1998 :  
For: NEW DEVICES...AS MEDICAMENTS :

600 Third Avenue  
New York N.Y. 10016  
July 16, 2002

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OFFICE OF PETITIONS

Asst. Commissioner for Patents  
Washington, D.C. 20231

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JUL 19 2002

Sir:

OFFICE OF PETITIONS

Responsive to the decision on the Renewed Petition dated May 16, 2002, Applicant again renews the request for acceptance of the application in view of the declaration of Mr. Vieillefosse filed herewith.

In the decision, the Legal Examiner indicated that items 1, 3, 4 and 6 of Rule 1.47(b) have been complied with. With respect to item 2, the Legal Examiner has indicated that the Renewed Petition filed February 8, 2002 did not address the problem that the Legal Examiner indicated was that the Applicant has failed to show that the actual proof that the inventor refused to execute the application or could not be reached after diligent effort.

The declaration of Mr. Vieillefosse filed herewith indicates that the present address of the inventor is not known to the Assignee since he has moved to another city and has refused to

July 16, 2002  
D. Nakamura

indicate his present address. The last known address for Mr. Dubois was at his place of employment of Sanofi Recherche and that Mr. Vieillefosse has been informed that Mr. Dubois no longer works for Sanofi Recherche and he is unaware of the inventor's present address.

With respect to item 5 of Rule 1.47(b), the Legal Examiner has indicated that it has not been established that the employee was performing an inventive test which corresponded to his actual duties. With respect to the last declaration of Mr. Vieillefosse, it was held to be insufficient since it was noted that it contained incorrect information for points 1, 2 and 3.

The Legal Examiner's attention is directed to the present declaration of Mr. Vieillefosse wherein it is clearly indicated that Mr. Dubois was employed by Roussel Uclaf which then became Hoechst Marion Roussel which then became Aventis Pharma S.A. The declaration provides the recording data to show the various mergers so that the line of title is clear and Aventis Pharma S.A. is the 1.47(b) Applicant. Mr. Vieillefosse's declaration further indicates that Mr. Dubois was performing an inventive task corresponding to his actual duties and was performing studies and research with which he had been explicitly entrusted and Mr. Vieillefosse as head of the Patent Department had first-hand knowledge of Mr. Dubois' research duties and knew at the time that Mr. Dubois was doing the research entrusted to him and part of Mr.

Vieillefosse's duties was to review invention disclosures and determine whether or not to proceed with the filing of the patent application. Mr. Vieillefosse was carrying out these duties with respect to Mr. Dubois' activities regarding the project covered in the present patent application. Therefore, it is believed that Aventis Pharm S.A. has complied with all of the necessary requisites of Rule 1.47(b) to be granted a filing date.

Respectfully submitted,  
Bierman, Muserlian and Lucas

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CAM:ds  
Enclosures